

## Message Text

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PAGE 01 MEXICO 04950 272346Z  
ACTION CA-01

INFO OCT-01 L-03 ARA-10 ISO-00 /015 W  
-----007984 280100Z /66  
R 272343Z MAR 78  
FM AMEMBASSY MEXICO  
TO SECSTATE WASHDC 9134  
INFO ALL CONSULATES IN MEXICO POUCH

C O N F I D E N T I A L MEXICO 04950

E.O. 11652: N/A  
TAGS: CARR, MX, CASC  
SUBJECT: ASSISTANCE TO ESCAPED U.S. PRISONERS

REF: STATE 016477

1. POST APPRECIATES THE GUIDANCE CONTAINED IN REFTEL AND REGRETS DELAY IN REPLY, DUE TO COINCIDENCE OF QUERY, COUNTRY CONSULAR CONFERENCE, CONSULAR PACKAGE, AND SECOND GROUP PRISONER TRANSFER.

2. IN RESPONSE TO THAT QUERY: EMBASSY KNOWS OF NO RPT NO CASE ANYWHERE IN MEXICO OVER PAST THREE YEARS IN WHICH AN ESCAPED AMCIT PRISONER HAS REQUESTED ASSISTANCE DURING PERIOD BETWEEN ESCAPE AND DEPARTURE FROM MEXICO.

3. WE APPRECIATE THE IMPOSSIBILITY OF ISSUING ADVANCE GUIDANCE WHICH COULD COVER ALL POSSIBLE SITUATIONS. WE LIKEWISE RECOGNIZE THE NEED FOR CASE-BY-CASE GUIDANCE IN WHICH CURRENT POLITICAL, LEGAL, HUMANITARIAN, AND HUMAN RIGHTS CONSIDERATIONS WOULD HAVE TO BE WEIGHED AGAINST EACH OTHER. NEVERTHELESS, TO MAXIMUM EXTENT POSSIBLE, WE SEEK GENERAL GUIDANCE IN ADVANCE OF ACTUAL CASES, WHICH COULD OCCUR LITERALLY AT ANY MOMENT. OUR PRIMARY CONCERN IS CASES ARISING AT SMALLER POSTS OUTSIDE OFFICE HOURS, WHEN RAPID CLASSIFIED COMMUNICATIONS FACILITIES ARE NOT  
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AVAILABLE FOR OBTAINING GUIDANCE AND OFFICERS CALLED ON TO HANDLE CASE ARE LIKELY TO BE INEXPERIENCED JUNIOR OFFICERS OR OFFICERS WITH NO CONSULAR EXPERIENCE AT ALL.

4. FOR THIS REASON, WE HAVE SERIOUS PROBLEMS WITH PARAGRAPH TWO-BRAVO OF REFTEL. THIS ADVISES POSTS TO DOCUMENT AND ASSIST FINANCIALLY IF ESCAPEE IS NEITHER SUBJECT OF CA/

PPT/L CIRCULAR LOOKOUT NOR OF REQUEST FOR NOTIFICATION FROM GOM AUTHORITIES. WE CAN READILY FORESEE THE FOLLOWING SITUATION, GIVEN THE NATURE OF OFFENSES FOR WHICH A NUMBER OF AMCITS ARE PRESENTLY INCARCERATED IN MEXICAN JAILS AND PRISONS.

5. IN THIS SCENARIO, POST IS CALLED ON FOR ASSISTANCE BY CITIZEN WHO WAS CONVICTED OF A CRIME INVOLVING MULTIPLE LOSS OF LIFE, SCABROUS MORAL CHARGES, OR OTHER HEINOUS OR WIDELY-PUBLICIZED CRIMES, OR WAS ARRESTED AND CONVICTED TO ACCOMPANIMENT OF TREMENDOUS GOM OFFICIAL EFFORT AND MEDIA COVERAGE. HE MIGHT ALSO HAVE ESCAPED BY A PARTICULARLY SPECTACULAR MEANS MOST EMBARRASSING TO THE GOM (LIKE THE KAPLAN ESCAPE BY HELICOPTER FROM A PRISON YARD IN SANTA MARTA PENITENTIARY). IN SUCH A CASE, POST WOULD BE IN MORALLY AND POLITICALLY INDEFENSIBLE POSITION IN ASSISTING THE CITIZEN IN ANY WAY THAT RESULTED IN HIS SCOT-FREE DEPARTURE FROM MEXICO, ON THE LEGALISTIC BASIS THAT NO OFFICIAL REQUEST FOR NOTIFICATION HAD BEEN RECEIVED FROM ANY GOM AUTHORITY.

6. THERE EXIST AT LEAST TWO REASONS WHY SUCH A REQUEST MIGHT NOT BE RECEIVED. FIRST, THE ESCAPEE MIGHT APPLY FOR ASSISTANCE BEFORE GOM AUTHORITIES BECAME AWARE OF THE ESCAPE OR COORDINATED THEIR EFFORTS SUFFICIENTLY TO MAKE SUCH A REQUEST. SECOND, AND PROBABLY MORE IMPORTANT, CONFIDENTIAL

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EMBASSY'S CURRENT RELATIONS WITH MEXICAN ATTORNEY GENERAL'S OFFICE ARE MUTUALLY COOPERATIVE AND CORDIAL. THAT OFFICE WOULD ASSUME THAT WE WOULD REPORT ANY CONTACT WITH A NOTORIOUS ESCAPEE OUT OF RECIPROCITY FOR THE EFFORTS IT HAS MADE ON BEHALF OF OUR PRISONERS IN SENSITIVE CASES, WHETHER OR NOT SPECIFICALLY REQUESTED. OUR FAILURE TO DO SO IN AN EMBARRASSING CASE WOULD BE INTERPRETED AS A BREACH OF GOOD FAITH, AND WOULD HAVE SERIOUS REPERCUSSIONS ON OUR FUTURE SPECIAL REQUESTS.

7. THE DEPARTMENT'S REACTION TO THE ABOVE OBSERVATIONS WOULD BE APPRECIATED. LUCEY

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, PRISONERS RELEASE  
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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
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**Disposition Date:** 20 Mar 2014  
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**TAGS:** CARR, CASC, PDIP, MX, US  
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**Review Markings:**  
Sheryl P. Walter  
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